

**IN THE UNITED STATES BANKRUPTCY COURT  
Eastern District of Virginia  
Norfolk Division**

**In re: Tory Heath Hester  
Etoy Antonnette Hester  
Debtors**

**Case No. 15-72418-FJS  
Chapter 13**

**NOTICE OF MOTION TO WITHDRAW AS COUNSEL**

Counsel for the Debtors, Tory Heath Hester and Etoy Antonnette Hester, has filed a Motion to Withdraw as Counsel, asking that the Court permit the Boleman Law Firm, P.C., and its lawyers to withdraw as counsel of record in this case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you want to be heard on this matter, then no later than twenty-one (21) days from the date of this Notice, you must:

File with the court, at the address below, a written response pursuant to Local Rule 9013-1(H).

Clerk of Court  
United States Bankruptcy Court  
600 Granby Street, 4th Floor  
Norfolk, VA 23510

If you mail your response to the Court for filing, you must mail it to the address listed immediately above and early enough so that the Court will **receive** it within the time period stated above.

You must also send a copy to:

Boleman Law Firm, P.C.  
Convergence Center III  
272 Bendix Road, Suite 330  
Virginia Beach, VA 23452

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief without further Notice or Hearing.

Dated: April 28, 2020

BOLEMAN LAW FIRM, P.C.

By: /s/ Barry W. Spear  
Barry W. Spear (VSB#39152)  
Boleman Law Firm, P.C.  
Convergence Center III  
272 Bendix Road, Suite 330  
Virginia Beach, VA 23452  
Telephone (757) 313-3000  
Counsel for Debtors

**CERTIFICATE OF SERVICE**

I certify that on April 28, 2020 I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system or by mail to the Debtors, Chapter 13 trustee, the United States trustee if other than by the electronic means provided for at Local Bankruptcy Rule 2002-1, and to all creditors and parties in interest on the mailing matrix attached hereto.

/s/ Barry W. Spear  
Counsel for Debtors

**IN THE UNITED STATES BANKRUPTCY COURT  
Eastern District of Virginia  
Norfolk Division**

**In re: Tory Heath Hester  
Etoy Antonnette Hester  
Debtors**

**Case No. 15-72418-FJS  
Chapter 13**

**MOTION TO WITHDRAW AS COUNSEL**

COMES NOW, Boleman Law Firm, P.C. ("Boleman"), and respectfully requests that the Court allow Boleman and each of its respective lawyers to withdraw as counsel of record for Tory Heath Hester and Etoy Antonnette Hester ("Debtors") based upon the following reasons:

1. The Debtors filed this case on July 15, 2015.
2. Boleman agreed to represent Debtors in a case filed under Chapter 13 of the Bankruptcy Code. Pursuant to the engagement letter signed by the Debtors, Boleman limited its representation of the Debtors to a case filed under Chapter 13 of the United States Bankruptcy Code.
3. On July 27, 2015, the Debtors filed their original Chapter 13 Plan and an Order Denying Confirmation was entered by the Court on September 21, 2015.
4. On September 22, 2015, the Debtors' filed an Amended Plan which was confirmed by the Court on November 9, 2015.
5. On August 14, 2019, the Debtors filed the Second Amended Chapter 13 Plan. The Trustee filed an Objection to Confirmation.
6. The Confirmation Hearing was reinstated on the docket by the Court and continued.

7. On January 24, 2020, the Court entered an Order to Show Cause as to Debtors. The hearing on the Order to Show Cause was set for February 7, 2020. At that hearing, counsel for the Debtors requested that this hearing be continued.

8. The hearing on the Order to Show Cause was held on April 21, 2020.

9. The hearing was conducted telephonically with Debtors' Counsel and Mrs. Hester having appeared from the same location via CourtSolutions, Mr. Hester having appeared via CourtSolutions, and counsel for the Trustee having appeared via CourtSolutions.

10. Debtors' Counsel indicated that in his opinion and based upon recent conversations with the Debtors, a Motion to Withdraw was necessary and should be filed. The Court gave Debtors' Counsel until April 28, 2020 to file this Motion to Withdraw.

11. A major issue is whether the Debtors' case should be dismissed with prejudice due to the timeliness of certain disclosures under the Second Amended Plan

12. It appears to Debtors' Counsel that a significant issue will be what did Debtors' Counsel know and when did they know it. The possibility exists that determination of this question would place Debtors' Counsel in a position where the continued representation would violate Boleman's obligations under the Virginia Rules of Professional Conduct.

13. Pursuant to Rule 3.7(a) of the Virginia Rules of Professional Conduct, a lawyer shall not act as an advocate in an adversarial proceeding in which the lawyer is likely to be a necessary witness.

14. The good faith of the Debtors' disclosures of their income and expenses is a critical issue before the Court. Part of that inquiry is the extent of Debtors' Counsels'

knowledge of the increased income and expenses.

15. Under the circumstances, it appears extremely likely that Debtors' Counsels may be called as a witness in this proceeding.

16. Pursuant to Rule 1.16(a)(1) of the Virginia Rules of Professional Conduct, lawyers shall withdraw from representing a client if the representation "will result in violation of the Rules of Professional Conduct or other law."

17. Furthermore, pursuant to Rule 1.16(b)(6) of the Virginia Rules of Professional Conduct, lawyers may withdraw from representation if "good cause for withdrawal exists."

18. It is further Debtors' Counsel understanding that under all the circumstances, the Debtors' wish to obtain new counsel.

19. Under all the circumstances of this case, Boleman Law Firm, P.C. is unable to represent the Debtors in a manner compliant with the requirements of this Court in this case, and the professional requirements set forth by the State Bar of Virginia.

WHEREFORE Boleman Law Firm, P.C., and its respective lawyers request that this Honorable Court enter an Order permitting the Boleman Law Firm, P.C., and its lawyers to withdraw as counsel of record and grant any further relief that the Court deems to be just and proper under the circumstances.

**Boleman Law Firm P.C.**

By: /s/ Barry W. Spear  
Barry W. Spear (VSB#39152)  
Boleman Law Firm, P.C.  
Convergence Center III  
272 Bendix Road, Suite 330  
Virginia Beach, VA 23452  
Telephone (757) 313-3000  
Counsel for Debtors

**CERTIFICATE OF SERVICE**

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/s/ Barry W. Spear  
Counsel for Debtors

Label Matrix for local noticing

0422-2

Case 15-72418-FJS

Eastern District of Virginia

Norfolk

Tue Apr 28 15:35:47 EDT 2020

AES/Chase Bank

P.O. Box 61047

Harrisburg, PA 17106-1047

Anesthesia Connections, LLC

C/O David Shane Smith

951 East Byrd St. 8th Fl

Richmond, VA 23219-4055

COMENITY CAPITAL BANK/PAYPAL CREDIT

C/O WEINSTEIN & RILEY, P.S.

2001 WESTERN AVENUE, STE 400

SEATTLE, WA 98121-3132

Capital One Bank/Kohl's

P.O. Box 3115

Milwaukee, WI 53201-3115

(p)JPMORGAN CHASE BANK N A

BANKRUPTCY MAIL INTAKE TEAM

700 KANSAS LANE FLOOR 01

MONROE LA 71203-4774

City of Virginia Beach

Office of City Treasurer

Bankruptcy Records

2401 Courthouse Drive, Building 1

Virginia Beach, VA 23456-9120

Creditors Collection Serv.

4530 Old Cave Spring Rd.

Roanoke, VA 24018-3423

Dept of Ed/Navient

300 Continental Drive

Newark, DE 19713-4322

Equidata

P.O. Box 6610

Newport News, VA 23606-0610

Synchrony

c/o Weinstein & Riley, P.S.

2001 Western Ave, Ste 400

Seattle, WA 98121-3132

American InfoSource LP as agent for

Verizon

PO Box 248838

Oklahoma City, OK 73124-8838

Barclays Bank Delaware

P.O. Box 8833

Wilmington, DE 19899-8833

Capital One Bank

P.O. Box 30285

Salt Lake City, UT 84130-0285

Capital One NA

c/o Becket and Lee LLP

POB 3001

Malvern PA 19355-0701

Chesapeake General Hospital

P.O. Box 2028

Chesapeake, VA 23327-2028

Coastal Surgical Specialists

1120 First Colonial Rd. #203

Virginia Beach, VA 23454-2418

(p)DEBT COLLECTION PARTNERS

WES MON BUILDING 2

11 COMMERCE DRIVE

STE 208

WESTOVER WV 26501-3858

Dept of Ed/Sallie Mae

300 Continental Drive

Newark, DE 19713-4322

(p)FOCUSED RECOVERY SOLUTIONS

9701 METROPOLITAN COURT

STE B

RICHMOND VA 23236-3690

United States Bankruptcy Court

600 Granby St., Room 400

Norfolk, VA 23510-1915

Anesthesia Connections, LLC

12613 Chesdin Landing Drive

Chesterfield, VA 23838-3231

CERASTES, LLC

C O WEINSTEIN & RILEY, PS

2001 WESTERN AVENUE, STE 400

SEATTLE, WA 98121-3132

Capital One Bank (USA), N.A.

PO Box 71083

Charlotte, NC 28272-1083

(p)CHARTWAY FEDERAL CREDIT UNION

5700 CLEVELAND STREET

VIRGINIA BEACH VA 23462-1752

Chesapeake Regional Medical Center

C\O Focused Recovery Solutions

9701 Metropolitan Court, Ste B

Richmond, VA 23236-3690

Credit Control Corporation

11821 Rock Landing Drive

Newport News, VA 23606-4225

(p)DELL FINANCIAL SERVICES

P O BOX 81577

AUSTIN TX 78708-1577

Emergency Phys. of Tidewater

4092 Foxwood Dr., Ste 101

Virginia Beach, VA 23462-5225

(p)ASCENDIUM EDUCATION SOLUTIONS INC

2501 INTERNATIONAL LANE

MADISON WI 53704-3180

Internal Revenue Service  
 Proceedings & Insolvency  
 P.O. Box 7346  
 Philadelphia, PA 19101-7346

Kelvin Sealy  
 Document Page 8 of 10  
 427 Burr Oak Court  
 Virginia Beach, VA 23454-3333

Midland Credit Management, Inc. as agent for  
 MIDLAND FUNDING LLC  
 PO Box 2011  
 Warren, MI 48090-2011

Navient Solutions  
 300 Continental Drive  
 Newark, DE 19713-4322

(p)ASCENDIUM EDUCATION SOLUTIONS INC  
 PO BOX 8961  
 MADISON WI 53708-8961

Navient Solutions, Inc.  
 Department of Education Loan Services  
 P.O. Box 9635  
 Wilkes-Barre, PA 18773-9635

Navient Solutions, Inc.  
 P.O. Box 9640  
 Wilkes-Barre, PA 18773-9640

Navient Solutions, Inc. On Behalf of  
 Educational Credit Management Corp  
 P.O. box 16408  
 Saint Paul, MN 55116-0408

Office of the U.S. Trustee  
 200 Granby Street  
 Suite 625  
 Norfolk, VA 23510-1814

Pathology Sciences Med. Group  
 P.O. Box 79671  
 Baltimore, MD 21279-0671

SYNCB/Amazon  
 P.O. Box 965015  
 Orlando, FL 32896-5015

SYNCB/CareCredit  
 P.O. Box 965015  
 Orlando, FL 32896-5015

SYNCB/TJX  
 P.O. Box 965015  
 Orlando, FL 32896-5015

SYNCHRONY BANK  
 c/o Weinstein & Riley, P.S.  
 2001 Western Ave, Ste 400  
 Seattle, WA 98121-3132

Sentara Collections  
 535 Independence Pkwy  
 Suite 700  
 Chesapeake, VA 23320-5192

Sentara Collections  
 P.O. Box 79777  
 Baltimore, MD 21279-0777

Sentara Healthcare  
 P.O. Box 1875  
 Norfolk, VA 23501-1875

Sentara Home Care Svcs  
 P.O. Box 791124  
 Baltimore, MD 21279-1124

Specialized Orthopedic Serv.  
 13700 St. Francis Blvd  
 Suite 601  
 Midlothian, VA 23114-3223

(p)SPRINGLEAF FINANCIAL SERVICES  
 P O BOX 3251  
 EVANSVILLE IN 47731-3251

Toyota Motor Credit Corporation  
 PO Box 9013  
 Addison, Texas 75001-9013

(p)TOYOTA MOTOR CREDIT CORPORATION  
 PO BOX 8026  
 CEDAR RAPIDS IA 52408-8026

U.S. Attorney's Office  
 Suite 8000  
 101 West Main Street  
 Norfolk VA 23510-1651

Verizon Virginia Inc.  
 500 Technology Drive, #550  
 Weldon Springs, MO 63304-2225

Verizon Wireless  
 P.O. Box 26055  
 Minneapolis, MN 55426-0055

Virginia Department of Taxatio  
 Bob McDonnell, Attorney Gen  
 900 E. Main St  
 Richmond, VA 23219-3524

(p)VIRGINIA DEPARTMENT OF TAXATION  
 P O BOX 2156  
 RICHMOND VA 23218-2156

Barry W. Spear  
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 Convergence Center III  
 272 Bendix Road  
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 Virginia Beach, VA 23452-1367

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 4111 Pitch Pine Ct  
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Matthew R. Hahne  
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 272 Bendix Road  
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 Tory Heath Hester  
 4111 Pitch Pine Ct  
 Virginia Beach, VA 23452-2347

R. Clinton Stackhouse Jr.  
 Chapter 12/13 Trustee  
 341 Dial 866-619-3642 Code: 3054410  
 7021 Harbour View Boulevard Suite 101  
 Suffolk, VA 23435-2869

Sarah Ramage Clarson  
 Boleman Law Firm  
 Convergence Center III  
 272 Bendix Road  
 Suite 330  
 Virginia Beach, VA 23452-1367

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Chartway Federal Credit Union  
 160 Newtown Road  
 Virginia Beach, VA 23462

(d)Chartway Federal Credit Union  
 160 Newtown Road  
 Virginia Beach, VA 23462-2408

Chase Card Services  
 P.O. Box 15298  
 Wilmington, DE 19850-5298

Debt Collection Partners, LLC  
 1109 Van Voorhis Rd.  
 Suite 201  
 Morgantown, WV 26505-0000

Dell Financial Services, LLC  
 Resurgent Capital Services  
 PO Box 10390  
 Greenville, SC 29603-0390

Focused Recovery Solutions  
 9701 Metropolitan Court, #B  
 Richmond, VA 23236-0000

GLHEC & Affiliates: GLHEGC, NELA, USAF  
 PO Box 8961  
 Madison WI 53708-8961

Navient Solutions Inc. on behalf of USAF  
 Attn: Bankruptcy Litigation Unit E3149  
 P.O. Box 9430  
 Wilkes-Barre, PA 18773-9430

Springleaf Financial  
 P.O. Box 9258  
 Virginia Beach, VA 23450-9258

(d)Springleaf Financial Services  
 PO Box 3251  
 Evansville, IN 47731

Toyota Motor Leasing  
 19001 S. Western Avenue  
 Torrance, CA 90501-0000

Virginia Dept of Taxation  
 Janie Bowen, Commissioner  
 P O Box 1115  
 Richmond, VA 23218-1115

(d)WEBBANK/DFS  
 1 Dell Way  
 Round Rock, TX 78682-0000

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Chartway Federal Credit Union

(u)Internal Revenue Service

(d)Virginia Dept of Taxation  
 P.O. Box 2156  
 Richmond, VA 23218-2156

End of Label Matrix

Mailable recipients 63

Bypassed recipients 3

Total 66